

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41895 of 2025

Arising Out of PS. Case No.-242 Year-2022 Thana- BIRAUL District- Darbhanga

1. Baidyanath Yadav @ Vednath Yadav S/O Late Maheshwar Yadav Resident Of Village- Singhaul, Police Station- Biroul, District- Darbhanga
2. Shivnath Yadav @ Vishwa Nath Yadav S/o Baidyanath Yadav @ Vednath Yadav Resident of Village- Singhaul, Police Station- Biroul, District- Darbhanga
3. Shashinath Yadav @ Shashi Nath Kumar S/o Baidyanath Yadav @ Vednath Yadav Resident of Village- Singhaul, Police Station- Biroul, District- Darbhanga
4. Brij Yadav @ Brij Kumar S/o Kusheshwar Yadav @ Kushe Yadav Resident of Village- Singhaul, Police Station- Biroul, District- Darbhanga

... .. petitioners/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the petitioners/s : Mr. Nilendu Kumar Choudhary, Advocate
For the Opposite Party/s : Mr. Abhay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 15-10-2025 Heard Mr. Nilendu Kuamr Choudhary, learned
counsel for the petitionerss and the State.

2. The petitionerss apprehend their arrest in connection with Biraul P.S. Case No. 242 of 2022 for the offence registered under sections 448, 341, 323, 324, 354(B), 379, 504 and 34 of the Indian Penal Code lodged on 14.07.2022 by the informant, Bachha Dai Devi.

3. As per the prosecution story, the informant alleged that on minor dispute of cutting of the mango tree, allegation is that these petitionerss armed variously assaulted the husband, the informant as also the other family members including the



son/daughter-in-law. Allegation of assault is/are as follows:

(i) Baidyanath Yadav gave dabiya blow to the husband of the informant causing injury on the finger.

(ii) Shivrath Yadav assaulted the informant on her head.

(iii) Shashinath Yadav assaulted her son by farsa.

(iv) Suneeta Devi and Priyanka Devi took away her suitcase having jewellery/cash.

(v) Brij Yadav tried to outrage her modesty.

4. They were taken to Darbhanga Medical College Hospital for their treatment which followed the FIR.

5. Learned Counsel for the petitioners submit that there is case and counter case both side, minor dispute/scuffle has been given a big colour. The injuries have been found to be simple in nature. All the petitioners have no criminal antecedent. and the submission is that without accepting the allegation and/or the outcome of the present petition in view of the fact that the informant side has alleged injuries, the petitioners on its own would like to contribute towards the medical assistance of Rs. 5,000/- each (totaling Rs. 20,000/-) through Demand Draft issued by the local branch of



the State Bank of India/any Nationalized Bank to be submitted before the 'NAZARAT' of concerned Court to be handed over to the informant after checking the credentials.

6. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail submitting that all of them have jointly assaulted the informant.

7. Considering the submissions of the parties as also the fact that these petitioners have no criminal antecedent, injuries have been found to be simple in nature, there is case and counter case, in that background, this Court is inclined to grant him the anticipatory bail with conditions subject to payment of Rs. 5,000/- each (totaling Rs. 20,000/-) to the informant as undertaken by the learned counsel for the petitioners to be paid by Demand Draft of local branch of the State Bank of India/any Nationalized Bank to be submitted to the Trial Court.

8. Let the petitioners in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, 1st Biraul, Darbhanga in connection with Biraul P.S. Case No. 242 of 2022 subject to condition as



laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor of the petitioners should be the family members/relatives/distant relatives of the petitioners, who shall provide official document to show his/her *bona fide*;

(ii) the petitioners shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioners(shall appear before the concerned police station every fortnight for next six months to mark attendance and at the end of the period, the certificate be submitted to the Court;

(iv) the petitioners(s) shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioners shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Raj Ranjan/-

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